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FAX COVER LETTER

September 28, 2007

TO: Examiner Ahmed M Farah
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FAX: 571-273-8300

FROM: Adam P. Kiedrowski
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RE: Serial No. 10/701,834
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22163-3027/US

TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENT REJECTION OVER A "PRIOR" PATENT

In the Application of: Mark G. Tordella

Application No. 10/701,334

Filed: 11/5/2003

For: HYPERHERMIA TREATMENT AND PROBE THEREFOR

The owner, Yonkers Medical, Inc., of 100 percent interest, in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 7,157,741 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period if it and the prior patent are commonly owned. This agreement runs with any patent granted or the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as the term of said prior patent is presently shortened by any terminal disclaimer, in the event that said prior patent later:

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 60295

Adam Kilders

Signature

3/23/2007

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